

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PIRELLI ARMSTRONG TIRE  
CORPORATION RETIREE MEDICAL  
BENEFITS TRUST, et al.,

Plaintiffs,

v.

MARK L. YOSELOFF, et al.,

Defendants.

Case No. 2:07-CV-01215-KJD-LRL

**ORDER**

Currently before the Court is the Special Demand Review Committee of the Board of Directors of Nominal Defendant Shuffle Master, Inc.'s ("Special Demand Review Committee") Motion to Dismiss Plaintiffs' Corrected Consolidated Verified Shareholder Derivative Complaint (#49). Subsequently, and in relation to said Motion, Plaintiff Pirelli Armstrong Tire Corporation Retiree Medical Benefits Trust ("Pirelli") filed a Motion to Compel (#65), seeking that the Court order the Special Demand Review Committee to produce documents responsive to Plaintiff's document request (see #65 at 9). In response, the Special Demand Review Committee filed a Motion for Protective Order (#69), seeking that the Court preclude Pirelli from deposing the Special Committee's sole member, limiting the permissible deposition topics, and precluding Pirelli from deposing certain Defendants who were not members of the Special Committee. The Special Committee's pleadings also seek that the Court stay all discovery-related matters in this case under principles of judicial comity, "due to the fact that discovery [in the current action] will be duplicative of discovery that has occurred or will occur in a substantially identical state court derivative action brought by another Shuffle Master shareholder" in the Eighth Judicial District State Court. (See #83 at 1)(citing Denham v. Yoseloff, et al., Case No. A-09-603275-C)).

1 In the interest of judicial economy, the Court has subsequently granted four Joint Stipulations  
2 (## 72, 74, 77, 79) extending the briefing schedule on all discovery motions in this case, while the  
3 parties were “working to resolve” issues relating to discovery in the state court action. (#72.) On  
4 September 13, 2010, the parties filed a Joint Status Report (#83) indicating that the parties to this  
5 action, and the parties in the state court action had “reached an agreement to settle both actions,” and  
6 had filed a stipulation of settlement in the state court action. (#83 at 1.) Moreover, the Status Report  
7 indicates that the state court has issued an order preliminarily approving the derivative settlement and  
8 providing for notice to Shuffle Master shareholders. (Id.)

9 Upon notice of the state court’s preliminary approval of the stipulation of settlement in the  
10 Joint Status Report (#83), the Court finds that the pending Motions in the instant case are moot.

11 Accordingly, **IT IS HEREBY ORDERED** that the Special Demand Review Committee’s  
12 Motion to Dismiss Plaintiffs’ Corrected Consolidated Verified Shareholder Derivative Complaint  
13 (#49) is **DENIED** as moot.

14 **IT IS FURTHER ORDERED** that all other pending Motions (## 65, 69) are **DENIED** as  
15 moot.

16 DATED this 14th day of September 2010.

17  
18 

19 \_\_\_\_\_  
20 Kent J. Dawson  
21 United States District Judge  
22  
23  
24  
25  
26